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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,579	07/13/2001	Koichi Kamijo	9319S-000246	2348

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EXAMINER	
RUDE, TIMOTHY L	

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,579	KAMIJO, KOICHI	
	Examiner	Art Unit	
	Timothy L Rude	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-55* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-24, drawn to a liquid crystal display device, classified in class 349, subclass 106.

   II. Claims 25-39, drawn to a color filter substrate, classified in class 359, subclass 885+.

   III. Claims 40-48, drawn to a method for manufacturing a liquid crystal device, classified in class 349, subclass 187.

   IV. Claims 49-55, drawn to a method for manufacturing a color filter substrate, classified in class 430, subclass 6+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the insulating film may comprise more than one of the primary components listed and/or may have a different refractive

index and film thickness. The subcombination has separate utility such as a color filter substrate for a non-liquid crystal display device, e.g., plasma display.

Inventions III and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case (2) the display may be formed without the use of an alkaline solution, e.g., plasma etching, and/or may be formed with a different refractive index and film thickness.

Inventions IV and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case (2) the filter may be formed without the use of an alkaline solution, e.g., plasma etching, and/or may be formed with a different refractive index and film thickness.

Inventions IV and I are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In

the instant case the different inventions are not related because a method of manufacturing a color filter substrate may be used for a plasma display which has nothing to do with a liquid crystal display.

Inventions III and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not related because a method for manufacturing a liquid crystal display device comprising an insulating film with more than one of the primary components listed and/or may have a different refractive index and film thickness and the color filter substrate may be used for a plasma display which has nothing to do with a liquid crystal display.

Inventions IV and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not related because the method of manufacturing a color filter substrate may be for a plasma display plasma display which has nothing to do with a liquid crystal display.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. Invention I contains claims directed to the following patentably distinct species of the claimed invention:

Species A, claims 1-22, drawn to a liquid crystal device with an insulating layer having at least one specific primary component and no specific refractive index and film thickness.

Species B, claims 23-24, drawn to a liquid crystal device with an insulating layer having no specific primary component and specific refractive index and film thickness.

Species C, having the combination of specific primary components and specific refractive index and film thickness (e.g., the combination of claims 1 and 23).

Currently, claims 1-24 are generic to Species C.

3. Invention II contains claims directed to the following patentably distinct species of the claimed invention:

Species D, claims 25-37, drawn to a substrate with an insulating layer having at least one specific primary component and no specific refractive index and film thickness.

Species E, claims 38-39, drawn to a substrate with an insulating layer having no specific primary component and specific refractive index and film thickness.

Species F, having the combination of specific primary components and specific refractive index and film thickness (e.g., the combination of claims 25 and 38).

Currently, claims 25-39 are generic to Species F.

4. Invention III contains claims directed to the following patentably distinct species of the claimed invention:

Species G, claims 40-47, drawn to a method for manufacturing a liquid crystal device with an insulating layer having at least one specific primary component and no specific refractive index and film thickness.

Species H, claim 48, drawn to a method for manufacturing a liquid crystal device with an insulating layer having no specific primary component and specific refractive index and film thickness.

Species I, having the combination of specific primary components and specific refractive index and film thickness (e.g., the combination of claims 40 and 48).

Currently, claims 40-48 are generic to Species I.

5. Invention IV contains claims directed to the following patentably distinct species of the claimed invention:

Species J, claims 49-54, drawn to a method for manufacturing a substrate with an insulating layer having at least one specific primary component and no specific refractive index and film thickness.

Species K, claim 55, drawn to a method for manufacturing a substrate with an insulating layer having no specific primary component and specific refractive index and film thickness.

Species L, having the combination of specific primary components and specific refractive index and film thickness (e.g., the combination of claims 49 and 55).

Currently, claims 49-55 are generic to Species L.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, A-L, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (703) 305-0418. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on (703) 305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Timothy L Rude
Examiner
Art Unit 2871

TLR